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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/784,559   | 02/23/2004  | William A. Pugh      | BEAS-01411US1       | 8662             |
| 23910  | 7590        | 08/28/2006           | EXAMINER            |                  |
| FLIESLER MEYER, LLP<br>FOUR EMBARCADERO CENTER<br>SUITE 400<br>SAN FRANCISCO, CA 94111 |             |                      | KIMBALL, MAKAYLA T  |                  |
|  |             |                      | ART UNIT            | PAPER NUMBER     |
|  |             |                      | 2194                |                  |

DATE MAILED: 08/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                        |  |                     |  |
|------------------------------|------------------------|--|---------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b> |  | <b>Applicant(s)</b> |  |
|                              | 10/784,559             |  | PUGH ET AL.         |  |
|                              | <b>Examiner</b>        |  | <b>Art Unit</b>     |  |
|                              | Makayla Kimball        |  | 2194                |  |

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 23 February 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>7/26 7/31 3/13/06</u> . | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. Claims 1-5 are pending and are considered below.

#### ***Specification***

2. The abstract of the disclosure is objected to because it is more than one paragraph. Second paragraph has no technical disclosure and should be removed. The paragraph numbers need to be deleted. Correction is required. See MPEP § 608.01(b).
3. The disclosure is objected to because of the following informalities: In specification applicant fails to spell out all acronyms (i.e. Xscript, XML, JSR 45, etc.).  
  
Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 101***

4. 35 U.S.C. 101 reads as follows:  
  
Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.
5. Claims that recite nothing but the physical characteristics of a form of energy, such as a frequency, voltage, or the strength of a magnetic field, define energy or magnetism, per se, and as such are nonstatutory natural phenomena. O'Reilly, 56 U.S. (15 How.) at 112-14. Moreover, it does not appear that a claim reciting a signal encoded with functional descriptive material falls within any of the categories of patentable subject matter set forth in § 101.

Claims 2, 3 and 5 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 2 and 5 are directed towards electro-magnetic signals, so therefore is non-statutory.

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Claim 3 is claiming a computer program product that is not executed on a computer readable medium, which is software, per se, which is non-statutory subject matter.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-5 are rejected under 35 U.S.C. 102(e) as being anticipated by Bogle et al (US Patent 6, 353, 923).

8. Examiner's Note. The applicant appears to be attempting to invoke 35 U.S.C. 112 6<sup>th</sup> paragraph in claims 1 and 2 by using "means-plus-function" language. However, the examiner notes that the only "means" for performing these cited functions in the specification appears to be software. While the claim passes the first test of the three-prong test used to determine invocation of paragraph 6, since no other specific structural limitations are disclosed in the specification, the claims do not meet the other tests of the three-prong test. Therefore, 35 U.S.C. 112 6<sup>th</sup> paragraph has not been invoked when considering these claims below.

Claim 1:

A system for debugging in more than one programming language [Column 4, lines 10-13 "The method for debugging a multiple language application"], comprising:

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Means for providing an interface with a debugging frame for each language [Column 8, lines 1-3 “having multiple interfaces”]; and

Means for allowing a user to edit each language in a debugging frame [Column 11, lines 47-49 “object codes associated with an appropriate language engine”].

Claim 2:

A computer-readable medium, comprising:

Means for providing an interface with a debugging frame for each language [Column 8, lines 1-3, “Having multiple interfaces”]; and

Means for allowing a user to edit each language in a debugging frame [Column 10, lines 57-64, “real time document and/or application editing, requesting...”].

Claim 3:

A computer program product for execution by a server computer for debugging in more than one programming language, comprising:

Computer code for providing an interface with a debugging frame for each language [Column 8, lines 1-3, “having multiple interfaces”]; and

Computer code for allowing a user to edit each language in a debugging frame [Column 10, lines 57-64, “real time document and/or application editing, requesting...”].

Claim 4:

A computer system [Figure 1], comprising:

A processor [Figure 1, “120”];

Object code [Column 11, lines 47-49 “object codes associated with an appropriate language engine”] executed by said processor, said object code configured to:

Provide an interface with a debugging frame for each language [Column 8, lines 1-3 “having multiple interfaces”]; and

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Allow a user to edit each language in a debugging frame [Column 10, lines 57-64, "real time document and/or application editing, requesting..."].

Claim 5:

A computer data signal embodied in a transmission medium, comprising:

A code segment including instructions to provide an interface with a debugging frame for each language [Column 8, lines 1-3 "having multiple interfaces"]; and

A code segment including instructions to allow a user to edit each language in a debugging frame [Column 10, lines 57-64, "real time document and/or application editing, requesting..."].

### ***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

"Investigating Multilanguage Debugging and the New IDEs of Visual Studio 97" – discloses Multilanguage debugging.

"Getting to Know gdb" – discloses debugger with more than one language.

"Generalized Path Expressions: A High Level Debugging Mechanism" – discloses a Multilanguage debugger.

"Multilingual Debugging Using a Compiler" – discloses a Multilanguage debugger.

Carter (US Patent 5,845,121) – discloses a Multilanguage debugger.

"VAX DEBUG: An Interactive, Symbolic, Multilingual Debugger" – discloses a Multilanguage debugger.

Bickson et al (US PG PUB 2006/0064677) – discloses debugging programs in multiple programming languages.

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10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Makayla Kimball whose telephone number is 571-270-1057. The examiner can normally be reached on Monday - Thursday 10AM - 3PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Myhre James can be reached on 571-270-1065. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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08/17/2006



James W. Myhre  
Supervisory Patent Examiner